

Staff Summary Report



To: Mayor and City Council
Through: City Manager

Agenda Item Number 36
Meeting Date: 09/13/01

SUBJECT: APPROVAL OF PROFESSIONAL SERVICES CONTRACT

PREPARED BY: Fred Brittingham, Principal Planner (480-350-8331)
Bonnie Richardson, Neighborhoods and Urban Design Manager (480-350-8585)

REVIEWED BY: Dave Fackler, Development Services Manager (480-350-8333)

BRIEF: Request approval of an amendment to the previously approved professional service contract with OTAK Incorporated for Phase II of the review of city regulatory documents and rewrite of the Zoning Ordinance.

COMMENTS: **PURCHASE CONTRACT (1004-01) CONTRACT NO. 2001-29** Request approval of an amendment to Phase II of the professional service contract with OTAK Incorporated in the amount of \$21,163 with a 5% contingency clause.

Document Name: 20010913devsrh02 Supporting Documents: No

SUMMARY: This amendment is a result of the input we received when Phase I of the Ordinance re-write was underway. As information/input was gathered from our community, it became apparent that the amount of research the consultant would need to complete Phase II exceeded the initial estimate. We also determined that the original estimate for Phase II did not include an appropriate number of public meetings that the consultant would conduct/attend during Phase II. The original contract also included an option to conduct a case study. This study would produce a comparison of two plans for the same project. One would utilize the current ordinance and the other would utilize the proposed ordinance. The resulting comparison should help define what the impact of the proposed ordinance would be on future projects.

Staff would also request we include a 5% contingency statement. This provides for minor adjustments in the contract without needing to return to the Council. Contingency allowances are a typical part of city contracts, but in this case was not included in the initial contract.

FISCAL NOTE: Phase II of the OTAK contract was awarded at a cost of \$144,127.00. An additional \$55,873.00 has been provided in the CIP budget to cover the cost of outreach, printing, mailings, public meetings etc. Please note that this is not an increase in the cost of the project. The funds for this amendment will be reallocated from the additional funds noted above. It is our opinion that we will still have adequate funds to provide the support work necessary to complete the document.

RECOMMENDATION: Approval of contract amendment.

ATTACHMENTS: Amended Contract, Exhibit A (Consultant's proposal)

**SECOND AMENDMENT TO PROFESSIONAL SERVICES CONTRACT
CITY CONTRACT #2001-29B
OTAK CONSULTANTS**

THIS SECOND AMENDMENT("Amendment") to that certain Professional Services Contract entered into by the parties on January 15, 2001 is made and entered into this _____ day of _____, 2001 by and between the **CITY OF TEMPE**, an Arizona municipal corporation ("City") and **OTAK, INCORPORATED**, ("Consultant").

WHEREAS, the City has engaged the Consultant to perform professional services for a project known and described as Zoning Ordinance Re-Write, Project No. PLC#2001.01, hereinafter called the "Project" and

WHEREAS, the City and the Consultant desire to amend the Contract for Professional Services ("Contract") enter into on January 15, 2001 to include an additional scope of work, and

WHEREAS, the City Council of the City of Tempe, on September 13, 2001, approved the execution of this Amendment of the Contract.

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties hereto agree to amend the Contract as follows:

- 1) That Phase II of the consultant's scope of work and cost estimate (Exhibit A dated 9/05/01) is hereby amended to reflect the addition of the following: The consultant shall provide the Phase II Subtask 3 "Case Study Test of Regulations" (originally listed as optional) and shall attend/conduct the additional meetings listed in Subtask 6 as they are outlined in the above noted exhibit.
- 2) That the parties agree that all other provisions of the Contract remain unchanged.

IN WITNESS WHEREOF, the parties have executed this AMENDMENT on the date first written above.

CITY OF TEMPE, ARIZONA:

Dave Fackler, Development Services Manager

The CONSULTANT warrants that the person who is signing this AMENDMENT on behalf of the CONSULTANT is authorized to do so and to execute all other documents necessary to carry out the terms of this AMENDMENT.

OTAK, INCORPORATED

Name

Title

Federal I.D. No. / Social Security No.

Exhibit A – Consultants Proposal City of Tempe Regulatory Rewrite (Phase 2) Scope of Work

The following Scope of Work describes the purpose, work to be accomplished, City/Otak roles, and Otak's deliverables for Phase 2 (Regulatory Rewrite) of the City of Tempe Regulatory Review and Rewrite project. All written work products, including memoranda, meeting agendas, reports and graphics, will be delivered to the City of Tempe in electronic Word format, unless otherwise specified. By request, graphics may be delivered in .tif, .pdf, or .jpeg format.

Phase II - Regulatory Document Rewrite

The Regulatory Document Rewrite will use the Regulatory Audit and Toolbox developed in Phase I as a general guide. The final product is expected to be a unified or coordinated set of regulations. The final document(s) should be user-friendly and have appropriate formatting, graphics, codification, and cross-referencing. Otak will work with the City to ensure the final product can be accessed and distributed electronically. The City will be responsible for publishing and distributing the final document (i.e., hardcopy reproduction and any electronic publishing).

Task 1 - Detailed outline of regulatory document rewrite

The purpose of Task 1 is to confirm Otak's and the City's understanding of the code changes to be completed, and to prepare a detailed outline for the regulatory rewrite.. The detailed outline will be prepared in two steps. First, Otak will draft a preliminary outline for review and approval by the City that identifies points of agreement or consensus from the Phase 1 Regulatory Audit and Toolbox, and the key questions that require further research or refinement (e.g., through case studies, etc.) prior to the drafting of regulations. Otak and the City will participate in a teleconference to discuss the preliminary outline. Next, Otak will revise the outline and recommend a "working" ordinance structure (e.g., major articles/titles, chapters, sections) for the regulatory rewrite. The "detailed outline" will incorporate the consensus points identified in the Phase I Report (i.e., bullet-level language), and section headings from existing codes that are to remain unchanged. Otak will recommend an action plan for resolving the key questions requiring further research or case studies. (See Task 3.) The ordinance outline will be refined as work progresses.

Work to be Accomplished by Otak

- participate in one teleconference
- draft the preliminary outline for the regulatory document rewrite
- prepare the detailed outline and action plan for resolving key questions requiring further research in Task 3.

Work to be Accomplished by City

- review preliminary outline of regulatory document rewrite, and provide comments to Otak
- review detailed outline of regulatory document rewrite and provide comments to Otak

Exhibit A – Consultants Proposal
City of Tempe
Regulatory Rewrite (Phase 2) Scope of Work

Otak's Deliverables

- preliminary outline of regulatory document rewrite
- detailed outline of regulatory document rewrite, and action plan for resolving key questions requiring further research in Task 3
- a summary of recommendations and potential conflicts between the Development Code and documents, policies, and regulations previously submitted by City Staff
- a summary of changes and deletions between the current regulatory document and the Development Code (format to be determined)

Task 2 - Preliminary draft of development codes

The purpose of Task 2 is to create a working draft of the development codes for review by the project team and advisory committees. This task assumes one draft for internal review by the City's project manager and Regulatory Rewrite staff, and one draft for review by the Staff Review Committee and Citizens Advisory Committee. The advisory committees will review the preliminary draft in parts or modules during three visits (two days plus travel time per visit) to Tempe by Otak staff for project meetings. On each of these visits, Otak will meet with the Staff Review Committee and Citizens Advisory Committee, and participate in briefings with city boards and commissions as needed. Otak will revise the draft development codes upon receiving a consolidated set of written meeting minutes and direction from the City's project manager at the conclusion of this task.

Work to be Accomplished by Otak

- preliminary draft development codes - allow two drafts of each code element; two to eight chapters (e.g., General Provisions, Land Use/Zone Districts, Development and Design Standards, Procedures) with 12 original graphics. Additional graphics with consistent formatting from Otak's code library may be used as appropriate.
- team meetings - allow up three team meetings (i.e., team meeting precedes advisory committee meetings)
- advisory committee meetings - allow up to three meetings/workshops each with the SAC and CAC, and three briefings each with the Planning and Zoning Commission, Design Review Board, and Board of Adjustment. As in Phase 1, Otak will prepare draft CAC and SAC meeting agendas for refinement and distribution by the City.

Work to be Accomplished by City

- review preliminary draft of development codes and provide consolidated set of written comments and meeting minutes to Otak
- provide logistics and meeting summaries for all team meetings, advisory committee meetings, and board/commission briefings

Otak's Deliverables

- preliminary draft development codes - allow two drafts of each code element; two to eight chapters with 12 original graphics
- meeting agendas and presentation materials for up to three meetings each with the CAC and SAC.

Exhibit A – Consultants Proposal
City of Tempe
Regulatory Rewrite (Phase 2) Scope of Work

Task 3 - Case study test of regulations

The purpose of Task 3 is two-fold: First, it tests the draft regulations through site planning and expert review, to determine whether they are likely to meet community objectives. Possible case study objectives include: visual impact, land use and design compatibility, development cost and lease rate impacts, development review streamlining, government fiscal impact, and infrastructure capacity analysis (e.g., density or floor area increase). Second, this task allows for research and analysis of alternative regulatory concepts in response to the key questions identified in Task 1.

This scope of work is intended to provide a general approach for research and case studies. Specific work plans will be developed for individual assignments, including the work tasks, deliverables, stakeholder involvement, and fees

Work to be Accomplished by Otak

Case Study

- consult with city in selecting case study site (city provides base map and pertinent site information)
- site analysis, review draft regulations and compare to existing regulations for the same site
- re-design site plan (sketch plan)
- consult with city regarding SAC and CAC meetings
- participate at meetings with SAC staff and CAC
- present plan to Planning and Zoning Commission for mock review
- analyze impacts of re-design and prepare Case Study Report based on feedback from SAC, CAC, and Otak review

Work to be Accomplished by City

- select case study site
- gather site information, including aerial photograph, topography, land use, infrastructure, and existing site plan (if available) for Otak

Otak's Deliverables

- Draft site plan redesign for focus group review, and revised plan/case study report
- Focus group facilitation (e.g., CAC and SAC meetings) and presentation to Planning and Zoning Commission (assumes one visit to Tempe by Otak's project manager or principal and senior master planner)

Regulatory Rewrite (Phase 2) Scope of Work

Task 4 - Public review draft of development codes

The purpose of Task 4 is to produce a public review draft of the development codes, recommendations, and related presentation and outreach materials. Otak will be responsible for revising the preliminary draft based on a consolidated set of written meeting minutes from the city's project manager. The proposed budget also includes Otak's time in preparing a public presentation (Powerpoint), two work sessions with the Planning and Zoning Commission, three neighborhood meetings, one media kit (press release, fact sheet, sample graphics, testimonials from CAC members, etc.), and team coordination. This task assumes one four-day visit by Otak staff for all meetings.

Work to be Accomplished by Otak

- prepare public review draft of regulations – allow one internal review draft and one public review draft.
- prepare a summary of other recommend amendments to be prepared by City as needed.
- participate at two Planning and Zoning Commission work sessions, one prior to neighborhood meetings and one after the neighborhood meetings.
- prepare media kit
- present draft regulations and answer questions at three neighborhood meetings potentially hosted by Planning and Zoning Commission
- prepare meeting agendas for neighborhood meetings

Work to be Accomplished by City

- review internal draft and provide comments to Otak
- provide logistics and meeting summary for Planning and Zoning Commission work session
- prepare fact sheet or newsletter (as needed), for neighborhood meetings
- provide logistics for and facilitate public meetings; provide meeting summaries for all public meetings

Otak's Deliverables

- public review draft of regulations - one preliminary draft and one final draft
- presentation materials for public meetings
- media kit

Regulatory Rewrite (Phase 2) Scope of Work

Task 5 - Public hearing draft of development codes

The purpose of Task 5 is to refine the draft regulations based on any changes following the public meetings in Task 4, and produce a Development Code that is ready for adoption. This scope of work assumes a limited number of revisions based on approximately 100 hours of code drafting time.

Work to be Accomplished by Otak

- teleconference to discuss public input and code refinements
- prepare memorandum confirming Otak's understanding of code changes to be made
- prepare Development Code Public Hearing Draft

Work to be Accomplished by City

- provide consolidated and reconciled written comments, and direction to Otak following public meetings.
- review Otak's memorandum regarding changes to be made, and provide comments

Otak's Deliverables

- memorandum confirming understanding of code changes to be made
- public hearing draft of development codes

Task 6 - Adoption

The purpose of Task 6 is to assist the city with public hearings related to adoption of the development codes, provide any final consultant revisions (limited to approximately 16 hours of editing), and close-out the project. This scope of work assumes Otak's project manager participates at up to four public meetings.

Work to be Accomplished by Otak

- participate at one or two Planning and Zoning Commission public meetings, and two City Council public meetings
- complete final revisions and deliver final product
- close out project

Work to be Accomplished by City

- provide any final editing comments, consolidated and reconciled, to Otak.
- provide meeting logistics for public meetings

Otak's Deliverables

- Final Development Code product (electronic version and one hardcopy [electronic format to be determined at a later date, provided that any reformatting requires not more than 8 hours of technician labor], and one camera-ready hardcopy)

Otak, Inc.

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